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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/367,244	08/10/1999	PIERGIORGIO BENUZZI	BUG2106	4118
7590	04/21/2004		EXAMINER	
FAY SHARPE BEALL FAGAN MINNICH & MCKEE 1100 SUPERIOR AVENUE SUITE 700 CLEVELAND, OH 441142518			FLORES SANCHEZ, OMAR	
		ART UNIT	PAPER NUMBER	
		3724	31	
DATE MAILED: 04/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/367,244	BENUZZI, PIERGIORGIO
	Examiner Omar Flores-Sánchez	Art Unit 3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 February 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4-7,10-12,14,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,4,7,11,12,14,17 and 18 is/are rejected.
- 7) Claim(s) 5,6 and 10 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. This action is in response to applicant's amendment received on 9/02/03.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4, 7, 11-12, 14, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ess (4,392,401) in view of Uyema et al. (5,571325).

Ess discloses (Fig. 8) the invention substantially as claimed including a horizontal table 12, at least one panel 20, at least one movable device 15, a feed direction, a sawing device/a single lengthways cutting axis 10, rotation device (see Fig.5), a plurality of pickup elements 17, guides, drive means and vertical direction (see col.4, line 4-8). Ess doesn't show first drive means to move at least one of the pickup elements in a horizontal direction independently of the other pickup elements and relative to the movable device, second drive means and a second movable device. However, Uyema teaches the use of first drive means 114 to move pickup elements (150a-b) relative to the movable device in a horizontal direction independently of each other (Fig. 10-15), guide (201-202) and second drive means 116 for the purpose of decreasing the time

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required for processing a substrate. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ess's movable device by providing first drive means to move pickup elements relative to the movable device in the horizontal direction independently of the other pickup elements, the guide and second drive means as taught by Uyema in order to decrease the time required for processing a panel and to easily modifying an order of processing a panel.

Regarding the second movable device, the examiner takes Official Notice that the use of a second movable device is old and well known in the art for the purpose of increasing the production by reducing the time of processing the panel. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ess's device by providing the second movable device in order to increase the production by reducing the time of processing the panel.

Allowable Subject Matter

4. Claims 5-6 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tateyama et al. and Matsumura are cited to show related device.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 703-308-0167. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Ofs

April 18, 2004


KENNETH E. PETERSON
PRIMARY EXAMINER